

# **Index File**

UP-651-04  
Holiday Chevrolet-Cadillac, Inc.  
817 Merrimac Trail  
Assessor's Parcel No. 10-35

This application requests a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance, to authorize a temporary sales display lot.

**Attachments:**

1. Staff report
2. Zoning map
3. Vicinity map
4. Sketch plan depicting proposed display layout
5. Proposed Resolution No. PC04-30(R)

# COUNTY OF YORK

## MEMORANDUM

**DATE:** October 26, 2004 (PC Mtg. 11/10/04)

**TO:** York County Planning Commission

**FROM:** J. Mark Carter, Assistant County Administrator

**SUBJECT:** Application No. UP-651-04, Holiday Chevrolet-Cadillac

### **ISSUE**

This application requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 5, Automobile Sales Establishment) of the York County Zoning Ordinance, to authorize a temporary automobile sales display lot on property located at 817 Merrimac Trail. The subject property is further identified as Assessor's Parcel No. 10-35.

### **DESCRIPTION**

- Property Owner: Hudgins Brothers, L.L.C.
- Location: 817 Merrimac Trail
- Area: 1.15 acres
- Frontage: 156 feet on Merrimac Trail
- Utilities: Public water and public sewer
- Topography: Flat
- 2015 Land Use Map Designation: General Business
- Zoning Classification: GB-General Business
- Existing Development: Vacant building – formerly used as bank and various retail functions; existing asphalt parking lot and circulation drives
- Surrounding Development:

North: James York Plaza Shopping Center; gasoline station

East: Magruder Elementary School athletic fields

South: Magruder Elementary School athletic fields

West: Fast-food restaurant; vacant property (future site of WaWa convenience store)

- Proposed Development: Temporary use of the site as an automobile sales display lot to accommodate approximately 80 vehicles, plus customer parking spaces. The display lot would be in use during the time of construction of the recently authorized additions to the applicant's primary sales facility located farther north at 543 Second Street. The applicant estimates that the construction activity would last approximately 10 months.

## **CONSIDERATIONS/CONCLUSIONS**

1. As the Commission will recall, the applicant recently proposed and secured Special Use Permit approval for a major expansion of the Holiday Chevrolet-Cadillac sales and service facility located at 543 Second Street. Recognizing the disruption to that site that will be caused by the construction activity associated with the expansion, the applicant desires to use the subject site (which has been owned by the business principals for several years) as a temporary sales display lot for new vehicles. The applicant proposes to use the site "as-is" and to simply park the display vehicles on the existing asphalt parking lot located on the north side of the existing building on the site. Once the construction activity is completed at the primary facility, all vehicles would be removed from the subject site and the applicant indicates that the property would most likely be put on the market for sale.
2. The proposed automobile sales display lot would be operated as an ancillary lot to the main facility at 543 Second Street. Because the properties are within 500 yards of one another, state motor vehicle dealers licensing regulations allow the subject lot to be licensed in conjunction with the primary facility and do not require the establishment of an on-site sales office (although it is permissible for sales personnel to meet with customers on the ancillary lot). In fact, the applicant has no desire to use the existing building on the site or to station sales staff on this lot.
3. The sketch plan submitted by the applicant depicts six (6) rows of display spaces that would accommodate a total of 82 vehicles. The display area would be located on the north side of the existing building, thus keeping activity away from the adjacent Magruder Elementary School site. The applicant's concept plan indicates that vehicles would be parked a minimum of ten (10) feet from the side (north) property line, although the existing asphalt surface extends across that property line to become indistinguishable from the asphalt service drive leading into the back of the James York Plaza shopping center. Display spaces would be situated a minimum of twenty (20) feet from the front property line, thus leaving room for customer vehicles to circulate through the existing asphalt area at the front of the site.
4. For a display lot of the size proposed, the Zoning Ordinance requires that a minimum of five (5) off-street parking spaces be provided for customer parking. The nine (9) customer parking spaces labeled on the concept plan correspond to the customer parking spaces associated with the former business uses of the property and should be more than adequate to meet the parking needs associated with the proposed display

operation. Although not ideally located in relation to the driveway entrance, there is sufficient room to ensure that customer vehicles entering and exiting the spaces will not impede traffic flow on Route 143.

5. As an existing business property, the site/building could be re-occupied at this time by a new retail use as a matter of right and without a requirement for site plan review or site modifications. As such, the same parking lot that the applicant proposes to use for vehicle display and customer parking would be used, as-is, albeit by fewer vehicles.
6. The applicant does not propose any signage on the property and a Special Use Permit condition is proposed to document this intention.
7. The applicant indicates that after the construction at the Second Street facility is completed and all the vehicles are removed from this ancillary display lot, he intends to offer the property for sale. The applicant acquired the property with the intention of redeveloping it as a used car sales lot (demolishing the building and building a new structure, etc). In fact, the applicant had submitted a site plan depicting the redevelopment but those plans were abandoned when the opportunity to expand the Second Street facility onto the former Greener Side property became available. Based on the condition of the existing building and the existing site conditions, it is likely that any future "permanent" use of the property will involve significant re-development activity. At that time, various site design issues such as building setback, entrances, perimeter landscape yards and landscaping, etc. would need to be addressed. The applicant proposes that the temporary nature of his proposal be recognized and that these site modifications be deferred until the "permanent" use of the property is known.
8. As shown on the applicant's sketch plan, the majority of the grassed island in front of the property is actually within the VDOT right-of-way. However, in the interest of improving the appearance of the Merrimac Trail corridor, and in particular the frontage of this parcel, staff believes that this island should be landscaped (either within the approximately six-foot area on the applicant's property, or within the entire area if VDOT will agree). Staff proposes that a minimum of two (2) trees (Weeping Cherry, which is one of the varieties planned for the County-sponsored right-of-way landscaping on Merrimac Trail) and six (6) shrubs be installed within this area and a Special Use Permit condition to this effect is proposed.
9. The surrounding area is commercial in character, with the exception of the adjacent Magruder Elementary School, and includes a service station, shopping center, mini-warehouses, and a fast food restaurant. The site diagonally across Merrimac Trail at the Penniman Road intersection is proposed for development as a WaWa convenience store (site plan has been approved) and it is likely that additional business redevelopment activity will occur in the immediate area in the future.

## **RECOMMENDATION**

The Special Use Permit process allows specific uses and specific sites to be considered on a case-by-case basis. This proposal is before the Commission because it involves automobile sales/display, albeit for a limited time. In contrast, re-occupancy of the site for a retail use could occur as a matter-of-right and without need for any special approvals or site modifications. Hence, the applicant's desire to use the site "as-is" to display vehicles for a finite time period would result in essentially the same outward appearance as an allowable retail use (i.e., vehicles parked in the existing parking lot, although more of them). The opportunity to use this site as an ancillary vehicle display lot will assist the applicant in the phasing of construction for the expanded primary operation located farther north along the corridor at 543 Second Street. The proposed use is consistent with the performance standards set forth in Section 24.1-475 of the Zoning Ordinance for "motor vehicle and transportation related uses" and the proposed Special Use Permit conditions make it clear that the use authorization is only for the term of construction at the primary facility and that it does not convey any rights to use of this property as an automobile sales/display facility beyond that time period.

This application presents a fairly unusual set of circumstances – a vacant business property already owned by the applicant; location within the distance prescribed by the State for ancillary facilities; a willingness to set a finite limit for occupancy of the site; the ability to use an existing parking lot with no site modifications proposed or needed – that, in staff's opinion, make the proposal worthy of consideration. The Special Use Permit process allows those unique circumstances to be considered and documented, thus ensuring that the approval will be unique to this site and not precedent-setting with respect to other automobile sales operations that may be proposed elsewhere in the County. Therefore, staff recommends that the Planning Commission forward this application to the Board of Supervisors with a recommendation for approval, subject to the conditions proposed in Planning Commission Resolution No. PC04-30.

### Attachments

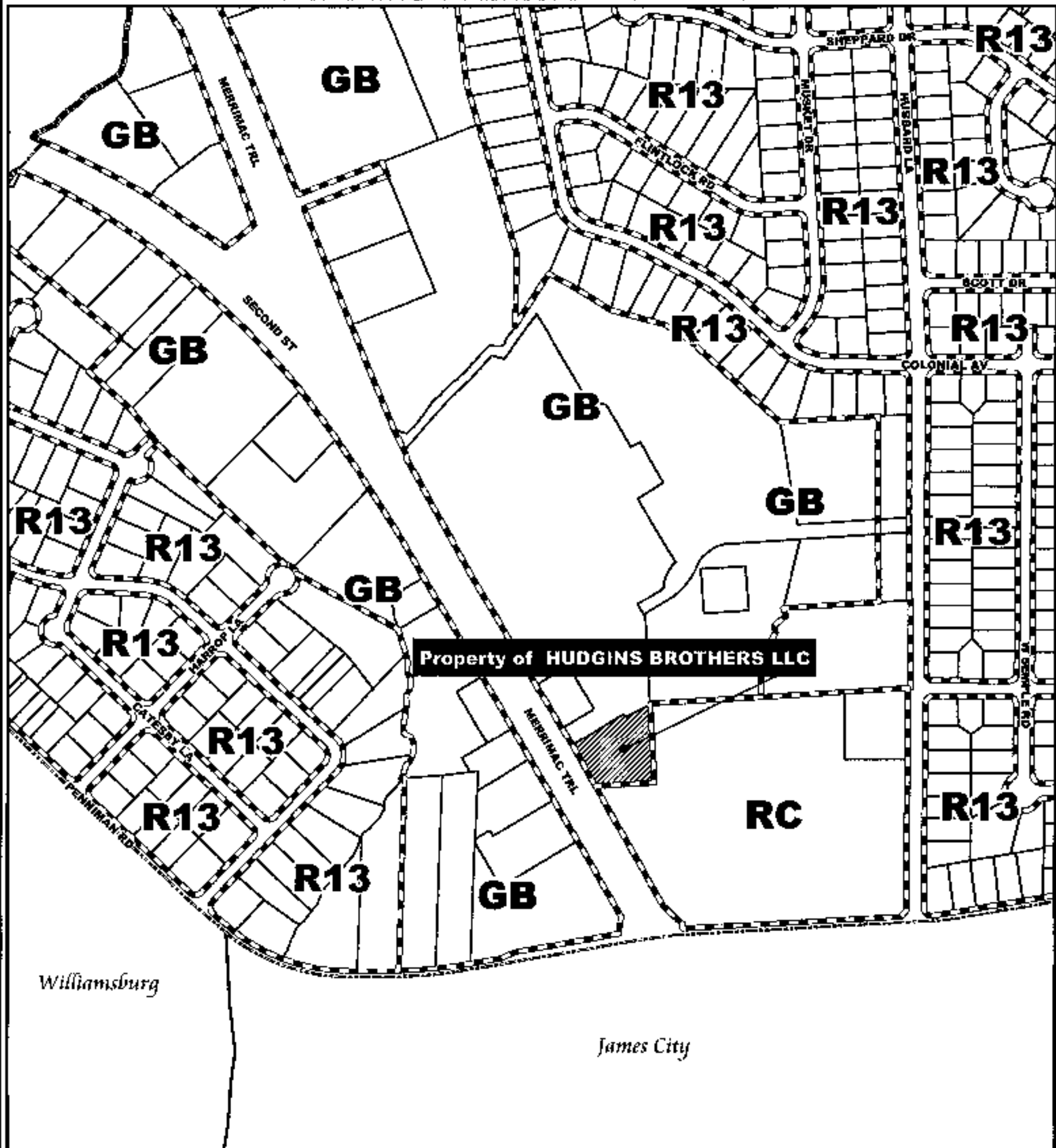
- Zoning Map
- Vicinity Map
- Sketch Plan depicting proposed display layout
- Proposed Resolution No. PC04-30

**APPLICANT**

Holiday Chevrolet-cadillac, Inc.

To authorize the use of this property as a  
temporary automobile sales display lot

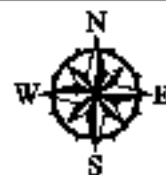
817 MERRIMAC TRL

**ZONING MAP**APPLICATION NUMBER: UP-651-04

\* = Conditional Zoning

0 225 450 900 Feet

Printed on October 14, 2004



LIBRARY TILE NUMBER:

Lr006SOURCE: YORK COUNTY  
GIS PARCEL DATA and  
ZONING COVERAGETHIS IS NOT A LEGAL PLAN.  
This map should be used for  
information purposes only. It is  
not suitable for detailed site planning.



Holiday Cadillac

James York Plaza

Subject Property

Magruder Elem.







PLANNING COMMISSION  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_, 2004:

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Present

Vote

Andrew A. Simasek, Chair  
Alfred E. Ptasznik, Jr., Vice Chair  
Alexander T. Hamilton  
John W. Staton  
Nicholas F. Barba  
John R. Davis  
Frederick W. Harvell

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On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL  
USE PERMIT TO AUTHORIZE AN AUTOMOBILE SALES DISPLAY  
LOT AT 817 MERRIMAC TRAIL

WHEREAS, Holiday Chevrolet-Cadillac, Inc. has submitted Application No. UP-651-04 to request a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance, to authorize an automobile sales display lot on property located at 817 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 10-35; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the \_\_\_\_ day of \_\_\_\_\_, 2004, that Application No. UP-651-04 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance, to allow an automobile sales display lot on property located at 817 Merrimac Trail (Route 143) and identified as Assessor's Parcel No. 10-35, subject to the following conditions:

1. This use permit shall authorize establishment of an automobile sales display lot on property located at 817 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 10-35.
2. The automobile sales display lot shall be arranged and located on the site in substantial conformance with the sketch plan submitted by the applicant in conjunction with this application, received on October 5, 2004, and made a part hereof by reference. Prior to occupying the site, the applicant shall be responsible for filing a site plan conforming to the requirements and procedures of the York County Zoning Ordinance.
3. The Special Use Permit authorizing use of this site for an automobile sales display facility shall be limited to a term coinciding with authorized construction activity associated with the expansion of the primary Holiday Chevrolet-Cadillac dealership facility located at 543 Second Street, or expiring one (1) year from the date of site plan approval for that facility, whichever occurs first. All vehicles shall be removed from the subject property prior to the expiration of the Special Use Permit or prior to the issuance of the Certificate of Occupancy for the expanded primary dealership location, whichever occurs first.
4. Prior to occupying the site the applicant shall present evidence to the Division of Development and Compliance that the site is properly licensed by the Motor Vehicle Dealer Board as an ancillary facility to the primary dealership location at 543 Second Street.
5. The subject site shall be used solely for the display of new vehicles for sale. No used/pre-owned vehicles shall be displayed on the site.
6. There shall be no free-standing or building mounted signage allowed in conjunction with the use.
7. Vehicles shall not be displayed/parked on the south side of the existing building or within 20 feet of the front property line or 10 feet of the side (northern) property line. All vehicles shall be displayed/parked on the existing asphalt surface on the site.
8. Vehicles shall not be unloaded (or loaded) from car carriers/trailers at this site. No vehicle washing, servicing or similar activities shall be permitted on this site.

9. Prior to occupying the site, the applicant shall be responsible for installing landscaping in the existing grassed island in front of the property. Such landscaping shall consist of a minimum of two (2) Weeping Cherry trees and six (6) shrubs.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.